

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 92-163-C - ORDER NO. 92-336  
MAY 7, 1992

IN RE: Petition of Certain Participating ) ORDER  
South Carolina Local Exchange Companies ) DENYING MOTION  
for Approval of an Expanded Area Calling ) TO DISMISS  
(EAC) Plan. )

This matter is before the Public Service Commission of South Carolina (the Commission) on the Motion to Dismiss filed by Intervenor Joey Davis (the Intervenor). The Intervenor contends that the Petition of Certain South Carolina Local Exchange Companies for Approval of an Expanded Area Calling Plan (the Applicant) should be dismissed for the following reasons:

1. The Applicant's request violates federal law regarding the relationship of long-distance rates and basic local service rates.
2. The Applicant's request is designed to stifle competition among intrastate long-distance carriers in violation of state and federal antitrust laws.
3. The Applicant is seeking a state-wide increase in basic local service rates. The Commission should, instead, consider the needs and cost-benefits in specific service areas.
4. GTE has acquired Contel of South Carolina, Inc. without the Commission approval required by S.C. Code Ann. §58-9-310 (Supp. 1991).

After thorough consideration of each of the Intervenor's arguments, the Commission concludes that the Motion to Dismiss should be denied. First, in regard to argument delineated #4, the Commission finds that the alleged impropriety in GTE's acquisition of Contel of South Carolina, Inc. is irrelevant to the Applicant's Petition for Approval of an Expanded Area Calling Plan. Second, the Commission finds that the Intervenor's arguments delineated #1, #2, and #3 should more properly be raised at the hearing on this matter. For these reasons the Motion to Dismiss is denied.

IT IS SO ORDERED.

BY ORDER OF THE COMMISSION:

  
VICE Chairman

ATTEST:

  
Executive Director

(SEAL)